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11-5744

22 JUN 1959

11-5765

OGC Has Reviewed

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Separations Regulation

1. This memorandum contains a recommendation in paragraph 3 for approval of the Director of Central Intelligence.

2. Two days after you had approved the new Separations Regulation the Supreme Court gave its opinion in Vitarelli v. Seaton reinstating a terminated Department of Interior employee. The court's language was so broad I held up publication of the regulation until we could study it.

3. Previous court decisions had indicated that a regulation once issued must be adhered to by the head of the department, and we had carefully given leeway in our earlier regulation for this rule. In Vitarelli v. Seaton the court uses the language "... scrupulous observance of departmental procedural safeguards is clearly of particular importance." This, in our opinion, is broader than a mere observance of regulatory material and we felt it essential to add words to the regulation which would assure that you could not be bound in any one case to observances that might not suit that case.

4. We propose the addition of two sentences to the first paragraph on Involuntary Separations, which is paragraph 6. of the Handbook under The text of this paragraph is set forth in the attached draft regulation with the added portions underlined. This wording has the concurrence of the Inspector General and the Director of Personnel. If you approve this the regulation will be published with this added material included.

5. I will be glad to brief you on the thinking that went into this if you wish. Recommend signature.

s/ Lawrence R. Houston

LAWRENCE R. HOUSTON
General Counsel

(EXECUTIVE DESK) FILE

Attachment

OGG:LRH:jeb Approved For Release 2003/04/25 : CIA-RDP80R01731R000100160013-4

O&2-DD/S; lcc-DCI, BDCI, ER, IG, D/Per, GC

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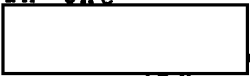
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MEMORANDUM FOR: Mr. Dulles

Attached is a recommended amendment to the Agency Separations Regulations Handbook which you approved earlier this month. (Tab A.)

The inclusion of the amendment in our Regulations Handbook provides an important procedural safeguard on the record so as to insure you maximum flexibility in your legal authority to separate personnel.

The amendment is prompted by a very recent court decision -- Vitarelli v. Seaton -- where the language of the court places an extra premium in observance of departmental procedural safeguards. The General Counsel feels that this amendment will prevent you from being bound to the procedures as now approved if the elements of a given case warrant a variation from the SOP. Kirk and Gordon Stewart concur in the proposed amendment.


23 June 1954

(DATE)

FORM NO. 101 REPLACES FORM 10-101
1 AUG 54 WHICH MAY BE USED.

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